

# Dixie State University Policy

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## 552 Student Rights and Responsibilities



- I. Purpose
- II. Scope
- III. Definitions
- IV. Policy
- V. References
- VI. Procedure
- VII. Addenda

### **I. Purpose**

- 1.1 The Dixie State University (Dixie State University, DSU, or University) is authorized by the State of Utah, the State Board of Regents, the DSU Board of Trustees, and the DSU President to establish the Student Rights and Responsibilities Policy, also known as the “Student Code.”
- 1.2 The Student Rights and Responsibilities Policy sets forth the specific authority and responsibility of Dixie State University to maintain appropriate discipline by outlining guidelines for acceptable student conduct and to create an educational environment wherein individual students and groups of students can accomplish meaningful academic goals.
- 1.3 DSU expects all students to obey the law, respect the rights of others, and exercise their personal responsibility and self-discipline in all dealings both on and off campus.
- 1.4 The policies in this code are designed to protect students, the campus, and the University community as well as create an environment conducive to achieving the mission of the University.

### **II. Scope**

- 2.1 Dixie State University values its relationships with the surrounding community and recognizes the impact the University has on the society, culture, and economy of the area. Policy setting and enforcement are also ways of educating students to become conscientious members of that inclusive

community.

- 2.2 The University recognizes students as adults involved in educational pursuits. The Student Code does not place the University in a custodial or parental relationship with students and does not impose upon the University any duty to protect students from participating in proscribed acts.
- 2.3 Formal appeal procedures are outlined in the Procedure.
  - 2.3.1 Although formal appeal procedures are outlined, the University encourages informal resolution of problems. Mutual consent of all parties is highly desired.
  - 2.3.2 The relevant administrator (Academic Dean or Dean of Students) retains discretion as to whether informal resolution is appropriate and adequate.
- 2.4 No document that describes guidelines for ethical standards can address every possible situation. Students are encouraged to seek additional advice or consultation in circumstances where the Student Code may not be definitive.

### III. Definitions

- 3.1 **Academic action:** The recording of a grade or issuing of credit in a class; on an exam, activity, or assignment; or for a course or culminating project. It also includes a decision by the program or department to place a student on academic probation, or to suspend or dismiss a student from an academic program because the student failed to meet the relevant academic standards of the discipline or program. The term “academic action” does not include the decision by a department or program to refuse admission of a student into an academic program. Academic action also does not include academic sanctions imposed for academic misconduct or for professional misconduct.
- 3.2 **Academic misconduct:** Any violation of DSU’s Academic Conduct policies.
- 3.3 **Academic sanction:** A penalty or restriction imposed based on a student’s academic standing, misconduct, or professional misconduct.
- 3.4 **Behavioral misconduct:** A violation of the Student Standards of Conduct.
- 3.5 **Behavioral sanction:** A penalty, restriction, or consequence imposed based on a student’s behavioral misconduct.

- 3.6 ***Cheating***: Includes but is not limited to the use of unauthorized materials, information, or study aids in any academic exercise; failing to observe the expressed procedures or instructions of an academic exercise; substituting for or impersonating someone else during a test or exam or other fraud; or receiving the content of a test or exam before it is administered.
- 3.7 ***Coercion regarding grading or evaluation of coursework***: Includes but is not limited to issuing threats or offering favors or bribes toward an instructor to coerce the instructor to change a grade or otherwise evaluate the student's work by criteria not directly reflective of coursework.
- 3.8 ***Copyright violation***: Includes but is not limited to copyright and other violations of the University's policies. Such matters are adjudicated under the Student Behavioral Conduct section of this code.
- 3.9 ***Day***: Any business day that Dixie State University is open for business, excluding weekends and holidays.
- 3.10 ***Dean / Dean of Students / Department Chair***: An academic or associate administrator assigned to supervise a particular program, department, or academic unit, or a specified designee.
- 3.11 ***Dismissal***: The termination of student status for an unspecified period of time, which can be permanent. A student dismissed once a term has begun may be eligible for refunds according to the Dixie State University refund schedule.
- 3.12 ***Due process***: Includes the notice of alleged violations, right to be heard relative to the allegations, right to impartial decision and review, and the right to have student representation on hearing boards.
- 3.13 ***Expulsion***: The permanent termination of student status. An expelled student may not petition for reinstatement. A student expelled once a term has begun may be eligible for refunds according to the published Dixie State University refund schedule.
- 3.14 ***Facilitating academic dishonesty***: Includes but is not limited to knowingly helping another student commit an act of academic misconduct or failing to report another student for academic misconduct.
- 3.15 ***Faculty / Faculty member***: Any member of the faculty or the Dixie State University faculty as a whole, including full and part-time instructors at all levels.
- 3.16 ***Falsification / Fabrication / Misrepresentation***: Includes but is not limited to

the intentional and unauthorized invention of any data, information, or citation in an academic activity.

- 3.17 ***Inappropriate collaboration or collusion:*** Includes but is not limited to unauthorized or inappropriate collaboration between students or between a student and any other person when individual work is required.
- 3.18 ***Grievant:*** Any individual accusing a Dixie State University student of an offense of the Student Code or Standards of Student Conduct.
- 3.19 ***Hazing:*** An abusive or humiliating initiation into a group, club, organization, team, or affiliation.
- 3.20 ***Multiple submissions:*** Includes but is not limited to the resubmission by a student of any work which has been previously submitted for credit in identical or similar form in one course to fulfill the requirements of a second course, without the informed permission/consent of the instructor of the second course; or the submission by a student of any work submitted for credit in identical or similar form in one course to fulfill the requirements of a concurrent course, without the permission/consent of the instructors of both courses.
- 3.21 ***Notice / Notification:*** The action of notifying a student or other entity, either written or printed.
- 3.22 ***Plagiarism:*** Includes but is not limited to the use of another's words or ideas as if they were one's own, including, but not limited to, representing, either with the intent to deceive or by the omission of the true source, part of or an entire work produced by someone other than the student, obtained by purchase or otherwise, as the student's original work or representing the identifiable but altered ideas, data, or writing of another person as if those ideas, data, or writing were the student's original work.
- 3.23 ***Professional misconduct:*** A violation of the professional ethics and standards for an academic discipline or profession for which a student is preparing as recognized by the relevant academic program, including a specific misconduct that exemplifies a student's unfitness for such a profession or academic discipline.
- 3.24 ***Respondent:*** The student accused of an offense under the Dixie State University Student Code or Standards of Student Conduct.
- 3.25 ***Serious criminal offense:*** Any felony or misdemeanor related to the harm or attempted harm of another person; related to theft or attempted theft of

property; related to the possession, distribution, sale, or attempted sale of any illegal or controlled substance; or that otherwise demonstrates a significant or meaningful threat to the University community.

3.26 ***Sexual harassment:*** Any unwelcome treatment that is sexual in nature, including unwelcome sexual advances, requests for sexual favors, and other harassment of a sexual nature within the work or learning environment. (DSU Policy 154.)

3.26.1 If a student believes (s)he has been harassed, sexually harassed, or discriminated against, refer to the DSU Title IX, Harassment, and Nondiscrimination policy. (See DSU Policy 154.)

3.27 ***Staff / Staff member:*** A person other than a faculty member who receives compensation for work or services from funds controlled by Dixie State University, regardless of the source of funds, the duties of the position, or the amount of compensation paid, includes students with employment responsibilities.

3.28 ***Stalking:*** Intentionally and repeatedly following, contacting, or harassing another person, so that fear is instilled in that individual.

3.29 ***Student:*** A person who is currently, or was at the time of the offense or incident, matriculated and/or registered in any class or program of instruction or training offered by Dixie State University at any level, whether or not for credit.

3.30 ***Suspension:*** The termination of student status for a specified academic term or terms. A student suspended once a term has begun may be eligible for refunds according to the published Dixie State University refund schedule.

3.31 ***University activity:*** Any activity, event, function, ceremony, or program sponsored, hosted, or under the auspices of Dixie State University, including instances where a student represents the University or engages in an academic activity related to the University.

3.32 ***University community:*** All students enrolled in classes at Dixie State University, whether or not for credit; all individuals employed by the University in any capacity; and those individuals lawfully present on campus.

3.33 ***University premises:*** The Dixie State University campus and other owned or controlled properties, buildings, or facilities, including locations where a University activity is being held.

3.34 ***Vice President:*** As specified, the Vice President of Academic Affairs, also

known as the Provost, or the Vice President of Student Affairs, or a designee.

## IV. Policy

### 4.1 Student Rights

- 4.1.1 In addition to constitutional and statutory rights and privileges derived from the United States of America and the State of Utah, students have specific rights as members of the Dixie State University community. Nothing in this document is intended to limit or abridge students' constitutional or statutory rights.
- 4.1.2 Students are warranted the following rights and privileges and are also responsible to allow other members of the University community the same:
  - 4.1.2.1 The right to an environment and climate conducive to uninterrupted learning and thinking. Teaching practices should be considerate of the student's dignity and rights and individuals should be treated with courtesy and respect.
  - 4.1.2.2 The right to reasonable notice of the general course content and requirements at the beginning of the course in the form of a syllabus.
  - 4.1.2.3 The right to have performance and behavior evaluated promptly, conscientiously, and without prejudice or favoritism according to the criteria set forth at the beginning of the course in the form of a syllabus.
  - 4.1.2.4 The right to participate or have meaningful representation in the formation of University policies which affect students.
  - 4.1.2.5 The right to due process in any proceeding involving the possibility of serious sanctions.
  - 4.1.2.6 The right to privacy and confidentiality according to rules and other statutory regulations.
  - 4.1.2.7 The right to obtain and examine educational records that accurately reflect their performance and to challenge inaccurate or misleading information in their personal records.

- 4.1.2.8 The right to participate in the DSU Student Association elections and to form student clubs and organizations according to the rules and policies set forth.
- 4.1.2.9 The right to perform student evaluations of faculty members and to have those evaluations seriously considered in the retention, promotion, tenure, and post-tenure reviews of faculty members.
- 4.1.2.10 Freedom from illegal discrimination, harassment, sexual harassment, or prejudicial treatment because of his/her race/ethnicity, color, national origin, age, religion, sexual orientation, gender identity/expression, sex, pregnancy, disability status, or protected veteran status.
- 4.1.2.11 Freedom and autonomy in intellectual pursuits and development.
- 4.1.2.12 Freedom of open discussion, inquiry, expression, and lawful assembly according to the DSU Speech Policy 110.
- 4.1.2.13 Freedom from unreasonable search and seizure.

## 4.2 Standards of Student Conduct

- 4.2.1 In order to promote the personal and intellectual development of individuals, to protect the University community, and to maintain order on campus, students who participate in the following acts of behavioral misconduct may be subject to behavioral sanctions or referrals. The following standards apply to current students on or off University premises, while attending or participating in University sanctioned activities, or when representing the University.
  - 4.2.1.1 Physical or verbal assaults, stalking, hazing, threats, intimidation, coercion, sexual harassment, discrimination, or any other conduct that threatens or endangers the health or safety of another person.
  - 4.2.1.2 Disorderly or lewd conduct.
  - 4.2.1.3 Attempted or actual theft, damage, or misuse of any individual's or University property, equipment, materials, data, or other resources.
  - 4.2.1.4 Unauthorized possession or use of keys, resources, computer passwords, or any unauthorized entry into any University building or premises.

- 4.2.1.5 Use, possession, or distribution of alcoholic beverages or controlled substance, excepting for legal personal use of prescribed medications as governed by Utah law.
  - 4.2.1.6 Infractions of the Tobacco Free-Campus Policy (DSU 156).
  - 4.2.1.7 Violation of published University policies, rules, or regulations.
  - 4.2.1.8 Violation of federal, state, or local civil or criminal laws.
  - 4.2.1.9 Breach of contract made with the University, including those related to University housing.
  - 4.2.1.10 Acts of dishonesty including, but not limited to making false statements, fraud, providing false information or identification, forgery, or misuse of University documents, forms, records, and identification cards.
  - 4.2.1.11 Intentional disruption or obstruction of instruction, research, meetings, or other University functions or activities, on or off campus, including unreasonable interference with those walking or traveling to and from such.
  - 4.2.1.12 Illegal or unauthorized possession or use of a firearm, ammunition, explosives, weapons, or dangerous chemicals or use of such items, even if legally possessed, in a threatening or irresponsible manner that causes fear of imminent bodily harm.
  - 4.2.1.13 Refusal to respond to reasonable requests and direction from University authorities while in the performance of their duties.
- 4.2.2 Students are expected to conduct themselves respectfully and responsibly at all times, whether on or off campus. If a student or student organization is cited for, arrested for, charged with, indicted for, or convicted of violations of the law on or off campus, the University will cooperate with appropriate law enforcement officials insofar as the law permits and may impose disciplinary sanctions as necessary. If a student or student organization is reported to University officials for misconduct on- or off-campus, the University may intervene on a formal or informal basis.
- 4.2.2.1 Informal intervention involves the Dean of Students discussing the violation of conduct with the responsible party in an attempt to reach a resolution. Formal intervention refers to proceedings under the Student Code.

4.2.3 A student who is arrested for, charged with, or indicted for a serious criminal offense may be subject to formal disciplinary action under the Student Code by the University.

4.2.3.1 At the discretion of the Vice President of Student Affairs, a student who is arrested for, charged with, or indicted for a serious criminal offense may be subject to immediate administrative suspension pending judicial and/or University proceedings as outlined in Section VI of this code. Other interim sanctions such as probation or restriction may be imposed prior to a hearing.

### 4.3 Complaints and Initial Inquiry

4.3.1 Whenever possible, complaints should be resolved informally by the faculty member, work supervisor, department chair, program director, or Dean.

4.3.2 If informal resolution is not successful, any person directly aggrieved by an alleged violation of the Student Code (the grievant) may submit an oral or written complaint to the Dean of Students according to the procedure outlined in Section 6.2.

4.3.3 A complaint that is frivolous, that fails to state facts that constitute a violation of the Standards of Conduct, or that is not timely, may be dismissed by the Dean of Students after an initial review.

4.3.3.1 Any person who knowingly and intentionally files a false complaint may potentially incur disciplinary action under this policy and procedure or Policy 372 Corrective and Disciplinary Action Policy.

### 4.4 Resolution, Sanction, or Referral

4.4.1 The Dean of Students and respondent determines the resolution and/or sanction or the Dean of Students may refer the complaint to the Student Conduct Committee.

4.4.2 The Dean of Students and respondent may enter into any formal resolutions and/or sanctions outlined in Section 6.4.

4.4.2.1 A violation of the terms of agreement or additional misconduct may result in further disciplinary action.

4.4.3 The respondent has the right to appeal the Dean of Students' decision to the Vice President of Student Affairs according to the appeal procedure outlined in Section 6.7.

4.4.4 Any behavioral sanction imposed by the Dean of Students will remain on file in the Dean of Students office for not less than four (4) years.

#### **4.5 Student Conduct Committee**

4.5.1 The Student Conduct Committee is the body authorized to conduct formal hearings and impose sanctions for alleged violations of the Standards of Student Conduct. The committee also serves as an appellate authority for informal hearings for alleged violations of the Standards of Student Conduct.

4.5.2 Any referral to the Student Conduct Committee requires a formal, written complaint. If the initial complaint was oral or not sufficiently detailed, the Dean of Students shall instruct the complaining party to submit a detailed, formal, written complaint of the circumstances giving rise to the complaint. If a written complaint cannot be obtained, the Dean of Students may become the grievant.

4.5.3 The Student Conduct Committee will be comprised of faculty, staff, and student representation and will follow the procedures, hearing schedules, and hearing guidelines as outlined in Section 6.8 & Section 6.12.

#### **4.6 Academic Integrity Committee**

4.6.1 The Academic Integrity Committee is charged with adjudicating appeals from students regarding an academic sanction imposed by a faculty member after substantiated academic misconduct and with determining sanctions beyond the faculty member issuing a failing grade for the course.

4.6.2 The Academic Integrity Committee will be comprised of faculty and student representation and will follow the procedures, hearing

schedules, and hearing guidelines as outlined in the Student Rights and Responsibilities Procedure, Section 6.9 & Section 6.12.

#### 4.7 Academic Appeals Committee

4.7.1 The Academic Appeals Committee is charged with reviewing appeals of graduation requirements, General Education requirements, and appeals of academic actions after they have reached the Dean level.

4.7.2 The Academic Appeals Committee will be comprised of faculty and student representation and will follow the procedures, hearing schedules, and hearing guidelines as outlined in the Student Rights and Responsibilities Procedure, Section 6.10 & Section 6.12.

#### 4.8 Academic Appeals

4.8.1 In order to ensure that the highest standards of academic performance are promoted and supported at the University, students must:

4.8.1.1 Meet the academic requirements of the course, relevant discipline or program.

4.8.2 Faculty members are qualified as professionals to observe and judge all aspects of a student's academic performance. An academic action may be overturned on appeal only if the academic action was arbitrary or capricious.

4.8.3 Prerequisite, Placement, & Substitutions

4.8.3.1 Most appeals and proceedings regarding academic actions or requirements will initiate with the faculty and administrators in a specific department or program.

4.8.3.1.1 Course prerequisite and placement appeals are approved or disapproved by the Chair of the Department offering the course.

4.8.3.1.2 The student may appeal to the appropriate Dean supervising that department.

4.8.3.1.3 Course substitutions for courses required in a program or major that are not general education or University

graduation requirements are to be approved or disapproved by the Department Chair and Dean.

- 4.8.3.2 A student who wishes to petition for an exemption to the University's general education or graduation requirements or appeal the Dean's decision must go through the Academic Appeals Committee.

#### **4.9 Policy Exceptions Committee**

- 4.9.1 The Policy Exceptions Committee is charged with reviewing appeals of academic standing and ruling on Exception to Policy petitions.
- 4.9.2 Exceptions to Policy petitions may be submitted for exceptions to the policies that govern registering, adding courses, dropping courses, auditing courses, payment of tuition and/or fees, refunds of tuition and/or fees, complete withdrawals, and other policies.
- 4.9.3 The Policy Exceptions Committee will be comprised of faculty, staff, and student representation and will follow the procedures, hearing schedules, and hearing guidelines as outlined in the Student Rights and Responsibilities Procedure, Section 6.11 & Section 6.12.

#### **4.10 Exceptions to Policy**

- 4.10.1 The University is obligated to ensure the integrity of the academic transcript as a historical document. An exception to policy is warranted only in cases involving unusual and extenuating circumstances.
- 4.10.2 It is a student's individual responsibility to ensure the accuracy of his/her class schedule and transcript each semester as well as comply with all University regulations and deadlines. Being unaware of University procedures or deadlines does not constitute justification for an exception to policy.
- 4.10.3 Petitions must be received within four (4) years of the semester for which the petition is submitted.

#### **4.11 Complaint without Academic Action**

- 4.11.1 A student may file a complaint against a faculty or staff member for violating the student's rights as outlined in the Student Code.

- 4.11.1.1 The student should seek to resolve the complaint with the involved faculty / staff member informally if possible.
- 4.11.1.2 If a formal complaint about an academic action is filed, the matter shall be processed through the Academic Appeal process described in Section 6.10.
- 4.11.2 If resolution between student and the faculty/staff member is not possible, the student may seek redress with the Department Chair of the department which offers the course or supervises the employee. If resolution between the student and the Department Chair is not possible, the student may seek redress with the appropriate Dean charged with supervising that department.
- 4.11.3 The student reserves the right to appeal the Dean's decision to the Provost with representation from the Dean of Students as outlined in Section 6.7.
- 4.11.4 If the faculty / staff member is dissatisfied with the outcome, s/he may appeal to the appropriate Vice President or employ the Grievance Procedure, Policy 151.

#### **4.12 Student Academic Misconduct**

- 4.12.1 In order to ensure that the highest standards of academic conduct are promoted and supported at the University, students must adhere to generally accepted standards of academic honesty. The University shall consistently hold students accountable for instances of academic dishonesty and apply appropriate sanctions as outlined in Section 6.13.
- 4.12.2 Academic Misconduct includes, but is not limited to, cheating, plagiarizing, falsification, misrepresentation, inappropriately colluding or collaborating, multiple submissions, falsification/fabrication/misrepresentation, facilitating academic dishonesty, coercion regarding grading or evaluation of coursework, or copyright violations.
- 4.12.3 Any person who observes or discovers academic misconduct by a student is responsible for reporting the incident to the pertinent faculty member.

- 4.12.4 The faculty member shall make a reasonable effort to discuss the alleged academic misconduct with the accused student and give the student an opportunity to respond.
- 4.12.5 In all cases, the sanction for academic misconduct should reflect how knowing, intentional, and serious the instructor judges the academic dishonesty to be. If a faculty member has firm evidence of academic misconduct in a course s/he is instructing, the claim of academic misconduct shall be considered substantiated.
- 4.12.6 The Department Chair or Dean may undertake an investigation of the allegations and recommendations set forth in the complaint.
- 4.12.7 When a sanction has been imposed, the faculty member must give the student written notice of the academic sanction and the student's right to appeal the academic sanction to the Academic Integrity Committee.
  - 4.12.7.1 After notification of the decision of the Academic Integrity Committee, the respondent or grievant may appeal to the Vice President of Academic Affairs according to the outlines in Section 6.7.

#### **4.13 Reinstatement**

- 4.13.1 Reinstatement After Academic Conduct Suspension or Dismissal from a Program or the University, or Revocation of a Degree or Certificate
  - 4.13.1.1 A student may be suspended or dismissed from a specific academic program or from the University. Reinstatement after dismissal is rare. The standards for reinstatement after dismissal are substantially higher than after suspension.
  - 4.13.1.2 A student may petition for reinstatement by following the guidelines and procedure outlined in the Student Rights and Responsibilities Procedure.
    - 4.13.1.2.1 Reinstatement after Academic Conduct Suspension or Dismissal from a Program can be found in Section 6.14.
    - 4.13.1.2.2 Reinstatement After Academic Conduct Suspension or Dismissal from the University can be found in Section 6.15.

#### **4.14 Student Professional Misconduct**

- 4.14.1 In order to ensure that the highest standards of professional and ethical conduct are promoted and supported at the University, students must adhere to the prescribed professional and ethical standards of the profession or discipline for which the student is preparing, as adopted or recognized as authoritative by the relevant academic program.
- 4.14.2 A student who engages in professional misconduct may be subject to academic sanctions including, but not limited to, a grade reduction, failing grade, probation, suspension, or dismissal from the program or the University, denial or revocation of a student's degree or certificate, or comparable professional credentialing sanctions.
  - 4.14.2.1 Sanctions may also include community service, a written reprimand, and/or a written statement of misconduct that can be put into an appropriate record maintained for purposes of the profession or discipline for which the student is preparing.
- 4.14.3 Any person who observes or discovers that a student has engaged in professional misconduct should file a written complaint with the Department Chair or Program Director of the involved program.
- 4.14.4 A complaint that is frivolous, that fails to state facts that constitute a violation of the Standards of Conduct, or that is not timely, may be dismissed by the Academic Dean after an initial review.
  - 4.14.4.1 Any person who knowingly and intentionally files a false complaint may potentially incur disciplinary action under this policy and procedure or Policy 372 Corrective and Disciplinary Action Policy.

#### **4.15 Revocation of a Degree or Certificate**

- 4.15.1 Decisions to revoke a degree or certificate are final.
- 4.15.2 Permanent records concerning the revocation of a degree or certificate shall be kept in the Registrar's Office.

4.15.2.1 Relevant external licensing and accrediting agencies shall be notified of a degree or certificate revocation.

4.15.3 The revocation of a degree or certificate shall be noted on the student's transcript.

4.15.4 Revocation of a degree or certificate should be reserved for only the most egregious of offenses.

#### 4.16 Administrative Suspension

4.16.1 The Vice President of Student Affairs may suspend a student or restrict a student's access to University premises and/or University activities for which the student might otherwise be eligible prior to an initial inquiry, hearing, or determination if there is reasonable cause to believe that a student poses a danger to him or herself, endangers the safety of other persons or property, or is an ongoing threat of disrupting the academic process or other University function.

4.16.2 The Vice President of Student Affairs may only restrict a student's access to the extent necessary when there is reasonable cause to believe that the student's presence or participation poses a danger to him or herself, endangers the safety of other persons or property, or is an ongoing threat of disrupting the academic process or other University functions.

4.16.3 Prior to, or contemporaneous with, or immediately after administrative suspension is issued, the Vice President of Student Affairs shall give the student written notice of the action. Notice shall include specifications of the alleged misconduct, references to violations within the student code, and a brief overview of relevant facts and supporting evidence.

4.16.4 The complaint shall thereafter be immediately referred to the Dean of Students for proceedings.

4.16.4.1 Suspension may remain in effect pending a final determination of the matter.

## V. References - N/A

## VI. Procedures

### 6.1 General Provisions

6.1.1 Although formal appeal procedures are outlined in this document, the University encourages informal resolution of problems.

6.1.1.1 Informal resolution of problems by mutual consent of all parties involved is highly desired. Discussion regarding the issues between the involved student and the appropriate faculty member, Department Chair, Academic Dean, and/or Dean of Students is strongly encouraged.

6.1.1.1.1 The relevant administrator (Academic Dean or Dean of Students) retains discretion as to whether an informal resolution is appropriate and adequate for the severity of the problem.

6.1.1.2 When formal resolution of problems is required, specific administrative procedures and timelines are outlined herein.

6.1.1.3 If conduct by a student falls under more than one section of the Student Code, the appropriate Vice President(s) shall decide the order of procedure.

6.1.1.4 Timelines for procedures under the Student Code are designed to offer appropriate and equitable resolutions. To facilitate fairness to all parties and/or avoid injury to any of the parties or another member of the Dixie State University community, the appropriate Vice President(s) may extend timelines in special circumstances. Special circumstances include:

6.1.1.4.1 Cases in which it will serve the best interests of the student or University

6.1.1.4.2 Cases in which it will better facilitate the administration of justice

6.1.1.4.3 Cases in which the proceedings under the Student Code are also the subject of ongoing criminal or civil enforcement proceedings by federal, state, or local authorities.

6.1.1.5 The Dean of Students, Vice President of Student Affairs, or Provost may place a hold on a student's records and/or registration pending the resolution of proceedings under the Student Code.

## 6.2 Complaint Procedures

6.2.1 Whenever possible, complaints should be resolved informally by the faculty member, work supervisor, department chair, program director, or Dean.

6.2.2 If informal resolution is not successful, any person directly aggrieved by an alleged violation of the Student Code (the grievant) may submit an oral or written complaint to the Dean of Students within 120 days following the date of the act which is the basis for the grievance.

6.2.2.1 A written complaint or the complainant's signature may be required.

## 6.3 Initial Inquiry

6.3.1 After an oral or written complaint has been submitted, the Dean of Students shall, within fifteen (15) days, give written notice to the student against whom the complaint was lodged (the respondent) of the allegations of the complaint and the Student Rights and Responsibilities Procedures which will be used to resolve the issue.

6.3.2 Within fifteen (15) days of the receipt of the complaint, the Dean of Students shall begin an initial inquiry to determine whether there is a reasonable basis for believing the respondent violated the Standards of Conduct.

6.3.3 The Dean of Students shall interview the grievant, the respondent, and any other persons believed to have pertinent factual knowledge of the allegations and may also review other relevant evidence.

6.3.4 At the conclusion of the initial inquiry, which will occur not later than thirty (30) days after the receipt of the complaint, the Dean of Students will determine whether there is a reasonable basis for believing that the respondent violated the Standards of Conduct and shall notify the

respondent and grievant in writing of his or her decision.

6.3.5 If the Dean of Students determines that there is no reasonable basis for the complaint, it will be dismissed. The grievant will be notified by the Dean of Students of the decision.

6.3.6 If the grievant wishes to appeal the Dean of Student's dismissal, they may follow the appeal procedure outlined in Section 6.7

#### 6.4 Resolutions, Sanctions, or Referrals

6.4.1 If the Dean of Students determines that the complaint has a reasonable basis, within thirty (30) days of the receipt of complaint, the Dean of Students will meet with the respondent to attempt resolution or refer complaint to the Student Conduct Committee.

6.4.2 The Dean of Students and respondent may enter into the following formal resolutions:

6.4.2.1 Agreement by the responding student to:

6.4.2.1.1 Refrain from specific behaviors

6.4.2.1.2 Refrain from contacting specific individuals

6.4.2.1.3 Seek professional counseling or other treatment

6.4.2.1.4 Participate in specified community service activities

6.4.2.2 Other agreements between the respondent and Dean of Students that is mutually beneficial is supported.

6.4.2.3 All resolutions must be in writing and bear the signatures of both the Dean of Students and the respondent and will remain on file in the Dean of Students office for not less than four (4) years.

6.4.2.4 A violation of the terms of agreement or additional misconduct may result in further disciplinary action.

6.5 The Dean of Students and respondent may enter into any or all of the following sanctions:

6.5.1 Warning or Reprimand: Notice of warning or reprimand to the student that a violation of specified University policies or campus regulations has occurred and that continued or repeated violations of specified

University policies or campus regulations may be cause for further disciplinary action.

- 6.5.2 Disciplinary probation: A status imposed for specific period of time in which a student must demonstrate conduct that conforms to the University Standards of Conduct.
- 6.5.3 Exclusion from specific campus areas or activities, or loss of specific privileges for a specified period of time or until specific conditions are met.
- 6.5.4 Community service: A number of hours of specified volunteer activity for which no academic credit or remuneration may be received.
- 6.5.5 Restitution: Reimbursement to the University or other parties for expenses resulting from a violation of the Student Code may be required in the form of monetary payment, service to repair, or other compensation.
- 6.5.6 Referral: A student may be referred to a licensed physician or other mental health professional for evaluation.
- 6.5.7 Hold on University records and/or registration: A Hold may be placed on the student's University records and/or ability to register for classes for either a specified period of time or until the student satisfied any conditions imposed as part of a sanction.
  - 6.5.7.1 The hold may prevent the student from registering and/or from obtaining transcripts, verifications, or a degree from the University.
- 6.5.8 Disciplinary Suspension: The termination of student status for a specified academic term or terms.
  - 6.5.8.1 Suspension may include other sanctions such as exclusion from specific campus areas.
  - 6.5.8.2 Suspension from the University shall be for a minimum time of one full semester following the semester the student is found responsible for the behavioral misconduct.
  - 6.5.8.3 The suspended student's transcript may reflect the disciplinary suspension.
  - 6.5.8.4 The Dean of Students shall notify the student in writing of the suspension, conditions for reinstatement, and of the obligation of the student to petition for reinstatement. Notice of the suspension shall also be provided to the student's department chair.

- 6.5.9 Disciplinary Dismissal: The termination of student status for an indefinite period. Dismissal is reserved for egregious violations of the Student Code, and the student may not be eligible for reinstatement.
- 6.5.9.1 Dismissal may include other sanctions such as exclusion from campus.
- 6.5.9.2 The dismissed student's transcript may reflect his/her dismissal.
- 6.5.9.3 The Dean of Students shall notify the student in writing of the dismissal, conditions for reinstatement, and of the option of the student to petition for reinstatement. Notice of the dismissal shall also be provided to the student's Department Chair.
- 6.5.9.4 A student who wishes to petition for reinstatement after Disciplinary Dismissal must do so in writing to the Vice President of Student Affairs not less than thirty (30) days prior to the beginning of the semester in which the student wishes to enroll. Petitions for reinstatement shall explain how the student has met conditions for reinstatement.
- 6.5.10 The Dean of Students and respondent may enter into any or all of the following sanctions:
- 6.5.10.1 Warning or Reprimand: Notice of warning or reprimand to the student that a violation of specified University policies or campus regulations has occurred and that continued or repeated violations of specified University policies or campus regulations may be cause for further disciplinary action.
- 6.5.10.2 Disciplinary probation: A status imposed for specific period of time in which a student must demonstrate conduct that conforms to the University Standards of Conduct.
- 6.5.10.3 Exclusion from specific campus areas or activities, or loss of specific privileges for a specified period of time or until specific conditions are met.
- 6.5.10.4 Community service: A number of hours of specified volunteer activity for which no academic credit or remuneration may be received.
- 6.5.10.5 Restitution: Reimbursement to the University or other parties for expenses resulting from a violation of the Student Code may be required in the form of monetary payment, service to repair, or other compensation.

- 6.5.10.6 Referral: A student may be referred to a licensed physician or other mental health professional for evaluation.
- 6.5.10.7 Hold on University records and/or registration: A Hold may be placed on the student's University records and/or ability to register for classes for either a specified period of time or until the student satisfied any conditions imposed as part of a sanction.
  - 6.5.10.7.1 The hold may prevent the student from registering and/or from obtaining transcripts, verifications, or a degree from the University.
- 6.5.10.8 Disciplinary Suspension: The termination of student status for a specified academic term or terms.
  - 6.5.10.8.1 Suspension may include other sanctions such as exclusion from specific campus areas.
  - 6.5.10.8.2 Suspension from the University shall be for a minimum time of one full semester following the semester the student is found responsible for the behavioral misconduct.
  - 6.5.10.8.3 The suspended student's transcript may reflect the disciplinary suspension.
  - 6.5.10.8.4 The Dean of Students shall notify the student in writing of the suspension, conditions for reinstatement, and of the obligation of the student to petition for reinstatement. Notice of the suspension shall also be provided to the student's department chair.
- 6.5.10.9 Disciplinary Dismissal: The termination of student status for an indefinite period. Dismissal is reserved for egregious violations of the Student Code, and the student may not be eligible for reinstatement.
  - 6.5.10.9.1 Dismissal may include other sanctions such as exclusion from campus.
  - 6.5.10.9.2 The dismissed student's transcript may reflect his/her dismissal.
  - 6.5.10.9.3 The Dean of Students shall notify the student in writing of the dismissal, conditions for reinstatement, and of the option of the student to petition for reinstatement. Notice

of the dismissal shall also be provided to the student's Department Chair.

6.5.10.9.4 A student who wishes to petition for reinstatement after Disciplinary Dismissal must do so in writing to the Vice President of Student Affairs not less than thirty (30) days prior to the beginning of the semester in which the student wishes to enroll. Petitions for reinstatement shall explain how the student has met conditions for reinstatement.

6.5.10.10 Disciplinary Expulsion: The permanent termination of student status. Expulsion is reserved for the most egregious violations of the Student Code, and the student is not eligible for reinstatement. The Dean of Students shall notify the student in writing of the expulsion.

6.5.11 A violation of the terms of agreement, additional misconduct, continued misconduct, or non-compliance with the aforementioned sanctions may result in further disciplinary sanctions.

6.5.12 If the Dean of Students has adjudicated the matter, within fifteen (15) days of notification of the Dean of Students' decision, the respondent may file an appeal to the Vice President of Student Affairs according to the appeal procedure outlined in the Student Rights and Responsibilities Procedure.

## 6.6 Complaint without Academic Action

6.6.1 A student may file a complaint against a faculty or staff member for violating the student's rights as outlined in the Student Code.

6.6.1.1 The student should seek to resolve the complaint with the involved faculty/staff member informally if possible.

6.6.1.2 If a formal complaint about an academic action is filed, the matter shall be processed through the Academic Appeal process described herein.

6.6.2 If resolution between student and the faculty / staff member is not possible, the student may seek redress with the Department Chair of the department which offers the course or supervises the employee.

- 6.6.2.1 The Department Chair may refer matters to the appropriate Dean for action.
- 6.6.2.2 The Department Chair shall meet with the student to attempt resolution within ten (10) days of receipt, conferring with the faculty or staff member as needed.
- 6.6.2.3 If the Department Chair believes that discrimination or harassment has occurred, the matter will be referred to the supervising Dean.
- 6.6.2.4 If the faculty / staff member is dissatisfied with the outcome, s/he may appeal to the appropriate Dean or employ the Grievance Procedure, Policy 151.
- 6.6.2.5 If resolution between the student and the Department Chair is not possible, the student may seek redress with the appropriate Dean charged with supervising that department.
  - 6.6.2.5.1 The Dean shall meet with the student to attempt resolution within ten (10) days of receipt.
  - 6.6.2.5.2 The Dean shall meet with the faculty / staff member if necessary and will inform the faculty member and Department Chair of the complaint and the resolution within fifteen (15) days of receipt.
- 6.6.2.6 If the Dean believes that discrimination or harassment has occurred, s/he shall institute other appropriate measures.
  - 6.6.2.6.1 If the faculty / staff member is dissatisfied with the outcome, s/he may appeal to the appropriate Vice President or employ the Grievance Procedure, Policy 151.
- 6.6.2.7 The student may appeal the Dean's decision to the Provost with representation from the Dean of Students.
  - 6.6.2.7.1 The Provost shall approve or deny the appeal within fifteen (15) days of receipt of the complaint after taking whatever measure s/he finds appropriate to resolve the appeal.
  - 6.6.2.7.2 The Provost's decision shall be final.
  - 6.6.2.7.3 If the faculty / staff member is dissatisfied with the outcome, s/he may employ the Grievance Procedure, Policy 151.

- 6.6.2.8 If the complaint involves a non-academic staff member and resolution is not possible, the student may seek redress with the Dean of Students.
  - 6.6.2.8.1 The Dean of Students shall meet with the student to attempt resolution within fifteen (15) days of receipt and may refer the matter to the appropriate supervisor.
- 6.6.2.9 If resolution between the student and the Dean of Students is not possible, the student may appeal to the Provost.
  - 6.6.2.9.1 The Provost shall approve or deny the appeal within fifteen (15) days of receipt of the complaint after taking whatever measure s/he finds appropriate to resolve the appeal.
  - 6.6.2.9.2 The Provost's decision shall be final.
  - 6.6.2.9.3 If the faculty / staff member is dissatisfied with the outcome, s/he may employ the Grievance Procedure, Policy 151.

## 6.7 Appeal Procedures

- 6.7.1 Appeals to the Vice President of Student Affairs Procedures in the case of Policy Exceptions, Student Conduct, Resolution, Sanction, Referral, or unsuccessful complaint resolution.
  - 6.7.1.1 Within fifteen (15) days of notification of the Dean of Students' decision, the student may file a written notice of appeal with the Vice President of Student Affairs.
  - 6.7.1.2 The Vice President of Student Affairs shall consider the appeal and may solicit whatever counsel and advice the Vice President of Student Affairs deems appropriate to arrive at a final decision. After receiving the appeal, the Vice President of Student Affairs shall, within fifteen (15) days;
    - 6.7.1.2.1 Accept the decision of the Dean of Students by denying the appeal.
    - 6.7.1.2.2 Request the Dean of Students to reconsider or clarify specific matters, materials, or issues with a second report regarding the decision relating to the specific matters

under reconsideration due not later than fifteen (15) days after the request.

6.7.1.2.3 Reject all or part of the Dean of Students' decision, stating reasons and actions therefore.

6.7.1.3 Written notification of the Vice President of Student Affairs' decision and the basis for that decision shall be communicated to the parties concerned within ten (10) days after receipt of the appeal.

6.7.1.4 The Vice President of Student Affairs' decision shall be final.

6.7.2 Appeal to the Provost Procedures in the case of Academic Appeals and Academic Integrity.

6.7.2.1 Within fifteen (15) days of notification of the Committee's decision, the student may file a written notice of appeal with the Provost.

6.7.2.2 The Provost shall consider the appeal and may solicit whatever counsel and advice the Provost deems appropriate to arrive at a final decision. After receiving the appeal, the Provost shall, within fifteen (15) days, take one of the following actions:

6.7.2.2.1 Accept the decision of the relevant committee.

6.7.2.2.2 Request the Committee to reconsider or clarify specific matters, materials, or issues with a second report regarding the decision relating to the specific matters under reconsideration due not later than fifteen (15) days after the request.

6.7.2.2.3 Reject all or parts of the Committee's decision, stating reasons and actions to be taken therefore.

6.7.2.3 Written notification of the Provost' decision and the basis for that decision shall be communicated to the parties concerned within ten (10) days after receipt of the appeal.

6.7.2.4 The Provost's decision shall be final.

## 6.8 Student Conduct Committee

6.8.1 The Student Conduct Committee is the body authorized to conduct formal hearings and impose sanctions for alleged violations of the Standards of Student Conduct. The committee also serves as an

appellate authority for informal hearings for alleged violations of the Standards of Student Conduct.

- 6.8.2 Any referral to the Student Conduct Committee requires a formal, written complaint. If the initial complaint was oral or not sufficiently detailed, the Dean of Students shall instruct the complaining party to submit a detailed, formal, written complaint of the circumstances giving rise to the complaint. The formal, written complaint must be received within fifteen (15) days of such instruction.
  - 6.8.2.1 If no written complaint can be obtained, the Dean of Student may become the complainant.
- 6.8.3 The Student Conduct Committee is chaired by a non-voting faculty member, and is comprised of three (3) voting faculty members selected by the Faculty Senate President and the Provost, three (3) staff members selected by the Vice President of Student Affairs, and three (3) student representatives selected by the DSUSA Student Body President.
- 6.8.4 A hearing board of at least five (5) members will be chosen from the Student Conduct Committee. Students, faculty, and staff will have representation at all hearings.
  - 6.8.4.1 If any member of the committee has a conflict of interest in a particular hearing, either self-disclosed or determined by the Vice President of Student Affairs, that committee member will be excused and an alternate from the same category may be appointed by the relevant Vice President.
- 6.8.5 The same individual voting members must be present at each session of a hearing.
- 6.8.6 The Committee shall establish internal procedures consistent with this procedure.
- 6.8.7 Committee decisions are based on a majority vote.
- 6.8.8 The Student Conduct Committee shall abide by the Hearing Schedule & Guidelines as outlined in Section 6.12.

6.8.9 The Student Conduct Committee may impose any sanction(s) listed above in Section 6.4.

## 6.9 Academic Integrity Committee

6.9.1 The Academic Integrity Committee is charged with adjudicating appeals from students regarding an academic sanction imposed by a faculty member after substantiated academic misconduct and with determining sanctions beyond the faculty member issuing a failing grade for the course.

6.9.2 The Academic Integrity Committee will be comprised of at least four (4) voting faculty members chosen by the Faculty Senate President and the Provost, and at least three (3) students selected by the DSUSA President. A non-voting faculty member will chair the committee. Members shall be selected for broad representation from colleges, divisions, departments, and programs.

6.9.3 At least three (3) voting members of the committee must be present at any hearing with representation from students and faculty at all hearings.

6.9.3.1 If any member of the committee has a conflict of interest in a particular hearing, either self-disclosed or determined by the Vice President of Student Affairs, that committee member will be excused and an alternate from the same category may be appointed by the relevant Vice President.

6.9.4 The Committee shall establish internal procedures consistent with the Student Code.

6.9.5 Committee decisions are based on a majority vote.

6.9.6 The written appeal or complaint shall be filed with the Committee Chair.

6.9.6.1 Within fifteen (15) days of receipt of the appeal or complaint, the Committee Chair will notify the other parties, supplying copies of the written appeal.

- 6.9.6.2 The person responding to the appeal or complaint may deliver his/her written response to the chair of the Committee no later than fifteen (15) days after notification of the complaint and recommendations.
- 6.9.6.3 The Committee Chair shall provide a copy of any written response to the corresponding party.
- 6.9.7 Unless they are a complaining party, appropriate Dean(s), including the Dean over the student's declared major, if applicable, may attend the hearing *ex officio*.
- 6.9.8 The Academic Integrity Committee shall abide by the Hearing Schedule & Guidelines as outlined in Section 6.12.
- 6.10 Academic Appeals Committee
  - 6.10.1 The Academic Appeals Committee is charged with reviewing appeals of graduation requirements, General Education requirements, and appeals of academic actions after they have reached the Dean level.
  - 6.10.2 The Academic Appeals Committee will be comprised of at least four (4) voting faculty members chosen by the Faculty Senate President and the Provost, and at least three (3) students selected by the DSUSA President. A non-voting faculty member will chair the committee. Members shall be selected for broad representation from University schools, divisions, departments, and programs.
  - 6.10.3 At least three (3) voting members of the committee must be present at any hearing and there will be representation from students and faculty at all committee hearings.
  - 6.10.4 If any member of the committee has a conflict of interest in a particular hearing, either self-disclosed or determined by the Vice President of Student Affairs, that committee member will be excused and an alternate from the same category may be appointed by the relevant Vice President.
  - 6.10.5 The Committee shall establish internal procedures consistent with this procedure.

- 6.10.6 Committee decisions are based on a majority vote.
- 6.10.7 The written appeal shall be filed with the Committee Chair.
  - 6.10.7.1 The Chair of the Academic Appeals Committee must receive notification in writing of an appeal not later than fifteen (15) days after the student's previous notification by the Dean.
  - 6.10.7.2 The faculty member whose decision is being appealed, or the student in the case of a faculty member's appeal, may deliver a written response to the Chair of the Academic Appeals Committee no later than fifteen (15) days after the receipt of the appeal.
  - 6.10.7.3 The Chair of the Committee shall deliver a copy of any written response to the corresponding party.
- 6.10.8 The Academic Appeals Committee shall abide by the Hearing Schedule & Guidelines as outlined in Section 6.12.

#### 6.11 Policy Exceptions Committee

- 6.11.1 The Policy Exceptions Committee is charged with reviewing appeals of academic standing and ruling on Exception to Policy petitions.
  - 6.11.1.1 Academic Standing is outlined in its own respective policy.
- 6.11.2 Members will include four (4) faculty members selected by the Faculty Senate President and the Vice President of Academic Affairs, three (3) students selected by the DSUSA President, and four (4) staff members selected by the Vice President of Student Affairs. The Committee will be chaired by a non-voting faculty member.
- 6.11.3 At least five (5) voting members of the committee must be present at any hearing, except during summer months when three (3) voting members will constitute a quorum.
- 6.11.4 If any member of the committee has a conflict of interest in a particular hearing, either self-disclosed or determined by the Vice President of Student Affairs, that committee member will be excused and an alternate from the same category may be appointed by the relevant Vice President.

- 6.11.5 The Committee shall establish internal procedures consistent with this procedure.
- 6.11.6 Committee decisions are based on a majority vote.
- 6.11.7 The Policy Exceptions Committee shall first consider the written petition in a formal meeting without the student present, and render a decision based on the written petition. The committee's decision shall be communicated to the student in writing within fifteen (15) days following the conclusion of the committee.
- 6.11.8 If the student's petition is granted, the Committee chair will direct the Registrar's Office, or other College office as appropriate, to implement the approved action.
- 6.11.9 If the student's petition, or any portion of the petition, is denied, the student shall be invited to appear at the next meeting in which the student presents the petition in person. In this meeting, the student may present written statements from doctors, faculty members, fellow students, or others.
- 6.11.10 The Policy Exceptions Committee shall consider the information that the student provided in the hearing and render a second decision on the student's petition. The committee's decision shall be communicated to the student in writing within fifteen (15) days following the committee's decision.
- 6.11.11 The Policy Exceptions Committee shall abide by the Hearing Schedule & Guidelines as outlined in Section 6.12, excepting sub-sections 6.12.11-6.12.13.

## 6.12 Hearing Schedule & Guidelines

- 6.12.1 The committee chair will schedule a hearing date no later than thirty (30) days after the Committee receives the written complaint or appeal.
- 6.12.2 Written notice must be sent to the responding student no less than fifteen (15) days before the scheduled hearing. Such notice must include, if applicable, the following:

- 6.12.2.1 Brief statement of the factual basis of the charges
- 6.12.2.2 Nature of the violation and the specific rule, regulation, or policy violated
- 6.12.2.3 Time and place of the hearing
- 6.12.2.4 Notification of the right to counsel
  - 6.12.2.4.1 Student can waive their timeliness or appeal for a continuation in order to obtain legal counsel.
- 6.12.2.5 At the request of the respondent, the names of committee members will be released.
  
- 6.12.3 DSU legal counsel shall serve as a resource to the Committee and may be present at hearings to provide guidance on substantive law and procedural matters.
  
- 6.12.4 The parties shall have a right to be accompanied by any person as an advisor, including legal counsel, who will be permitted to attend and participate in hearings.
  
- 6.12.5 Hearings will be held in accordance with generally accepted standards of procedural due process. Information may be received of the sort upon which responsible persons are accustomed to rely in the conduct of serious affairs, and is not restricted to information admissible under the strict rules of evidence of a court of law.
  
- 6.12.6 Hearings shall be closed to the public.
  
- 6.12.7 Hearings shall be recorded.
  - 6.12.7.1 A respondent who is considering an appeal will be granted post-hearing access on campus to review. No transcript or copy shall be made of the recording.
  - 6.12.7.2 The student may be accompanied at the review by the advisor who accompanied him/her to the hearing.
  
- 6.12.8 Committee deliberations and voting shall take place in closed session and will not be recorded.
  
- 6.12.9 If the grievant or the respondent fails to attend the hearing without good cause, the Committee may proceed with the hearing and render a

decision based on available testimony and evidence.

- 6.12.10 The Committee shall make its findings and recommendations based only on evidence and testimony presented by the parties at the hearing. Committee members shall not conduct their own investigations, rely on prior knowledge of the facts, or develop their own evidence.
- 6.12.11 The Committee chair shall prepare a written report of the Committee's findings and recommendations and present it to the Dean of Students within ten (10) days after the conclusion of the hearing.
- 6.12.12 The Committee's report will be reviewed by the Dean of Students, who will review all the evidence, may solicit whatever counsel and advice s/he deems necessary, and make a decision to do one of the following:
  - 6.12.12.1 Accept the Committee's findings and recommendations.
  - 6.12.12.2 Request the Committee to reconvene and reconsider or clarify specific matters, materials, or issues with a second report regarding the decision relating to the specific matters under reconsideration due not later than ten (10) days after the request.
  - 6.12.12.3 Reject all or part of the Committee's findings and/or recommendations, stating reasons.
  - 6.12.12.4 The Dean of Students may impose greater or lesser sanction(s) in lieu of the Committee's decision.
- 6.12.13 Written notification to the responding student of the Dean of Students' decision shall be made within ten (10) days of the Committee's report, unless reconsideration was requested, in which case the written notification shall be made within ten (10) days of the second report.
- 6.12.14 The student may appeal the decision to the relevant Vice President as outlined in Section 6.7.

### 6.13 Student Academic Misconduct Procedure

- 6.13.1 A student who engages in academic misconduct may be subject to academic sanctions. In all cases, the sanction for academic misconduct should reflect how knowing, intentional, and serious the instructor judges the academic dishonesty to be. If a faculty member has firm

evidence of academic misconduct in a course s/he is instructing, the claim of academic misconduct shall be considered substantiated. The faculty member may impose the following sanctions:

- 6.13.1.1 Require that the work be redone, an exam retaken, or an alternate assignment substituted.
  - 6.13.1.2 Reduce the grade for the assignment or other academic activity.
  - 6.13.1.3 Reduce the grade for the course.
  - 6.13.1.4 Issue a grade of "F" for the paper, project, test, exam, or other academic activity in which the misconduct occurred.
  - 6.13.1.5 Issue a failing grade for the course.
  - 6.13.1.6 Community service.
  - 6.13.1.7 Written reprimand
  - 6.13.1.8 Written statement of misconduct that can be put into an appropriate record maintained for purposes of the profession or discipline for which the student is preparing.
- 6.13.2 Any person who observes or discovers academic misconduct by a student must file a written complaint with the faculty member responsible for the pertinent academic activity within fifteen (15) days of the date of discovery of the alleged violation.
- 6.13.2.1 A student's failure to report academic misconduct on the part of another can result in academic misconduct charges against that student.
- 6.13.3 A faculty member who discovers or receives a complaint of misconduct relating to an academic activity for which the faculty member shall take action under these procedures and impose an appropriate sanction for the misconduct as outlined in this document.
- 6.13.4 Upon receipt of a complaint or discovery of academic misconduct, the faculty member shall make reasonable efforts to discuss the alleged academic misconduct with the accused student no later than fifteen (15) days after receipt of the complaint or discovery of misconduct, and give the student an opportunity to respond.
- 6.13.5 Within fifteen (15) days thereafter, the faculty member shall give the student written notice of the academic sanction, if any, to be taken and

the student's right to appeal the academic sanction to the Academic Integrity Committee.

- 6.13.6 Academic sanctions that can be imposed by the Academic Integrity Committee in these cases include, but are not limited to, the following:
  - 6.13.6.1 A notation on the student's academic transcript that the F grade in a specific course was issued for academic misconduct.
  - 6.13.6.2 Academic Conduct Censure or Probation. Academic Conduct Probation imposes conditions on a student for a specific period of time.
  - 6.13.6.3 Community service.
  - 6.13.6.4 Academic Conduct Suspension or Dismissal from a program. Academic Conduct Suspension shall be for a minimum of one semester following the semester the student is found responsible for academic misconduct.
  - 6.13.6.5 Academic Conduct Suspension or Dismissal from the University. Academic Conduct Suspension shall be for a minimum of one semester following the semester the student is found responsible for academic misconduct. Dismissal from the University shall be reserved for the most serious or egregious instances of academic misconduct.
  - 6.13.6.6 Denial of a degree or certificate for which requirements have been completed or revocation of an awarded student's degree or certificate. Grounds for denial or revocation include convincing evidence that the degree recipient engaged academic misconduct serious enough to negate the legitimate completion of one or more substantive requirements of that degree or certificate.
- 6.13.7 If the faculty member imposed any sanction for academic misconduct, within fifteen (15) days of imposing the sanction, the faculty member shall report, in writing, the misconduct and the sanction imposed to:
  - 6.13.7.1 The Chair of the Department offering the course
  - 6.13.7.2 The Registrar's Office
  - 6.13.7.3 The responding student

- 6.13.8 If the faculty member believes that the student's academic misconduct

warrants further academic sanctioning, he/she may, within fifteen (15) days of receiving notice of or discovering the misconduct, submit a written complaint with recommendations to the appropriate Department Chair.

6.13.8.1 Within fifteen (15) days of such notification, a Department Chair who believes that a student's academic misconduct warrants further academic sanction, may submit a written complaint and recommendation to the Academic Integrity Committee on his/her own volition.

6.13.8.1.1 Alternatively, a faculty member, Department Chair, or Dean may take a complaint directly to the Academic Integrity Committee.

6.13.8.2 The Department Chair may undertake an investigation of the allegation and recommendations set forth in the complaint.

6.13.9 Within fifteen (15) days of receipt of the complaint, the Department Chair shall forward the complaint and recommendation to the appropriate Dean. The Department Chair shall accompany the complaint with his/her recommendation supporting or opposing the sanction sought in the complaint.

6.13.10 The Dean may undertake an investigation of the allegations and recommendations set forth in the complaint.

6.13.11 Within fifteen (15) days of receipt of the complaint or learning of the academic misconduct, the Dean shall forward the complaint and recommendation to the Academic Integrity Committee. The Dean shall accompany the complaint with his/her recommendation supporting or opposing the sanction sought in the complaint.

6.13.11.1 The person initiating the original complaint remains as the complainant unless that person agrees that the Department Chair or Dean or other administrative designee shall become the complainant.

6.13.12 If the student has appealed the academic sanction imposed by the faculty member, the time periods may be extended until fifteen (15) days after the resolution of the student's appeal.

6.13.13 In cases of multiple instances of substantiated academic misconduct, misconduct that damages the academic integrity of a program or the

University as a whole, or other egregious circumstances, a faculty member, Department Chair, or Dean, including the Dean of Students or Provost, may submit a written complaint with recommendation to the Academic Integrity Committee at any time.

6.14 Reinstatement After Academic Conduct Suspension or Dismissal from a Program

6.14.1 If a student is suspended or dismissed from a program for Academic Misconduct, s/he may petition the appropriate Dean for reinstatement into the program not less than forty-five (45) days before the beginning of the semester.

6.14.2 Reinstatement after dismissal is rare and the standards for reinstatement after dismissal are substantially higher than after suspension.

6.14.3 The Dean, in consultation with the Department Chair, may:

6.14.3.1 Reinstatement the student unconditionally.

6.14.3.2 Reinstatement the student under specific conditions designed to improve the student's academic conduct. The student shall be precluded from further sanctions for previous academic misconduct.

6.14.3.3 Decline to reinstate the student.

6.14.4 Written notice of the Dean's decision shall be given to the student within fifteen (15) days after the receipt of the petition. If the petition for reinstatement is denied, the student may submit a new petition in any subsequent semester.

6.14.5 The student may submit a written appeal of the Dean's decision to the Provost within fifteen (15) days of notification.

6.14.6 The Provost shall consider the appeal and issue a decision regarding the student's reinstatement within fifteen (15) days of receipt of the appeal.

6.14.7 The Provost may:

6.14.7.1 Reinstatement the student unconditionally.

- 6.14.7.2 Reinstatement of the student under specific conditions designed to improve the student's academic conduct. The student shall be precluded from further sanctions for previous academic misconduct.
- 6.14.7.3 Decline to reinstate the student.
- 6.14.8 The Provost's decision shall be final, with the exception that if the appeal is denied, the student may submit a new petition for reinstatement in any subsequent semester.
- 6.15 Reinstatement After academic Conduct Suspension or Dismissal from the University
  - 6.15.1 If a student is suspended from the University for Academic Misconduct, s/he may petition the Academic Integrity Committee for reinstatement of student status not less than sixty (60) days before the beginning of the semester in which the student wishes to be reinstated.
  - 6.15.2 Reinstatement after dismissal is rare. The standards for reinstatement after dismissal are substantially higher than after suspension.
  - 6.15.3 The Academic Integrity Committee may:
    - 6.15.3.1 Reinstatement of the student unconditionally.
    - 6.15.3.2 Reinstatement of the student under specific conditions designed to improve the student's academic conduct. The student shall be precluded from further sanctions for previous academic misconduct.
    - 6.15.3.3 Decline to reinstate the student.
  - 6.15.4 Written notification of the Committee's decision is required not later than thirty (30) days after receipt of the petition.
    - 6.15.4.1 If the petition for reinstatement is denied, the student may submit a new petition in any subsequent semester.
  - 6.15.5 The student may submit a written appeal of the Academic Integrity Committee's decision not to reinstate to the Provost within fifteen (15) days of notification.

6.15.6 The Provost shall consider the appeal and issue a decision regarding the student's reinstatement within fifteen (15) days of receipt of the appeal.

6.15.7 The Provost may:

6.15.7.1 Reinstatement the student unconditionally.

6.15.7.2 Reinstatement the student under specific conditions designed to improve the student's academic conduct. The student shall be precluded from further sanctions for previous academic misconduct.

6.15.7.3 Decline to reinstate the student.

6.15.8 The Provost's decision shall be final, with the exception that if the appeal is denied, the student may submit a new petition for reinstatement in any subsequent semester.

#### 6.16 Professional Misconduct Procedure

6.16.1 A student who engages in professional misconduct may be subject to academic sanctions including but not limited to a grade reduction, failing grade, probation, suspension, dismissal from the program or the University, denial or revocation of a student's degree, certificate, or comparable professional credentialing sanctions, community service, a written reprimand, and/or a written statement of misconduct that can be put into an appropriate record maintained for purposes of the profession or discipline for which the student is preparing.

6.16.2 Any person who observes or discovers that a student has engaged in professional misconduct should file a written complaint with the Department Chair or Program Director of the involved program within thirty (30) days of the date of discovery of the alleged violation.

6.16.3 A complaint that is frivolous, that fails to state facts that constitute a violation of the Standards of Conduct, or that is not timely, may be dismissed by the Academic Dean after an initial review.

6.16.3.1 Any person who knowingly and intentionally files a false complaint may potentially incur disciplinary action under Policy 5-33 Student Code (student); Policy 4-26 Corrective and

Disciplinary Action Policy (staff), or Policy 3-4 Faculty Rights and Academic Freedom (faculty).

- 6.16.4 Upon receipt of the complaint, the Chair/Director shall discuss the alleged misconduct with the responding student within fifteen (15) days and give the student an opportunity to respond.
- 6.16.5 The Chair/Director may interview the complainant and any other persons believed to have pertinent factual knowledge of the allegations. The Chair/Director may also review any other relevant evidence, including documentary evidence.
- 6.16.6 The Chair/Director shall determine whether there is a reasonable basis to believe that the student engaged in professional misconduct.
- 6.16.7 If the Chair/Director determines that there is no reasonable basis to believe that the student engaged in professional misconduct, the Chair/Director shall, within fifteen (15) days of receipt of the complaint, notify the student and the complainant in writing of the decision.
  - 6.16.7.1 If a complainant wishes to appeal the Chair/Director's decision that there is no reasonable basis for a complaint, such appeal may be filed with the Provost within fifteen (15) days after notification.
  - 6.16.7.2 The Provost shall consider the appeal and the response and may solicit whatever counsel and advice the Provost deems appropriate to arrive at a final decision. After receiving the appeal, the Provost shall, within fifteen (15) days,
    - 6.16.7.2.1 Accept the decision of the Chair/Director by denying the appeal.
    - 6.16.7.2.2 Reject all or part of the Chair/Director's decision, stating reasons and actions therefore.
  - 6.16.7.3 The Provost's decision shall be final.
- 6.16.8 If the Chair/Director determines that there is a reasonable basis for believing that the student engaged in professional misconduct, he/she shall determine whether efforts for informal resolution are appropriate and, if so, shall take whatever steps are useful to that end within fifteen (15) days of receipt of the complaint.

- 6.16.8.1 If an informal resolution is reached, the respondent shall be notified in writing. If the respondent complies with the terms and conditions of the resolution, no further action against the student will be taken and the matter will be closed.
- 6.16.8.2 If informal resolution is inappropriate, or if efforts at informal resolution are not successful, the Chair/Director shall, within fifteen (15) days of receipt of the complaint, refer the complaint, including his/her recommendation for academic sanctions, to the Academic Appeals Committee.
- 6.16.8.3 All previous reports and recommendations shall be forwarded to the Chair of the Academic Appeals Committee.
- 6.16.8.4 The Committee may take any of the following actions:
  - 6.16.8.4.1 Ratify the decision of the Dean.
  - 6.16.8.4.2 Reject all or part of the decision of the Dean, stating reasons and actions for recommending greater or lesser sanctions than previously determined.
- 6.16.8.5 The Committee may recommend any of the sanctions listed in this Section 6.4.
- 6.16.8.6 The Committee chair shall prepare a written report of the Committee's findings, decision, and recommendations and present it to the Provost within fifteen (15) days after the conclusion of the hearing.
  
- 6.16.9 The Provost shall consider the appeal and response to the appeal and may solicit whatever counsel and advice the Provost deems appropriate to arrive at a final decision.
  
- 6.16.10 The Provost may also convene an ad hoc committee composed of students and faculty members from outside the department or Academic Appeals Committee to determine if there were substantial defects that denied basic fairness and due process.
  
- 6.16.11 After considering the appeal, the Provost shall, within fifteen (15) days, or within thirty (30) days of receipt of recommendation if an ad hoc committee is formed, take one of the following actions and provide a written notification to all parties:

- 6.16.11.1 Accept the Academic Appeals Committee's findings and recommendations
  - 6.16.11.2 Return the report to the Academic Appeals Committee chair, requesting that the Committee reconvene to reconsider or clarify specific matters, materials, and issues, and forward to the Provost a second report of its findings and recommendations relating to the specific matters referred by the Provost for further consideration.
  - 6.16.11.3 Reject all or parts of the Committee's findings and recommendations, stating reasons and actions to be taken therefore. The Provost may impose greater or lesser sanctions than recommended by the Committee.
  - 6.16.11.4 If sanctions are imposed or negated, the Registrar's Office must be so notified.
- 6.16.12 The Provost's decision shall be final.
- 6.16.13 The Dean shall take appropriate action to implement the final decision. If the student is found responsible of professional misconduct, the Dean shall notify, in writing, the student's department or program of study of the violation, the proceedings, and the final decision. If the sanction involves suspension or dismissal from a program or from the University or revocation of a degree or certificate, the Dean shall also convey the decision to the Registrar's Office for inclusion on the transcript.
- 6.16.14 Records of proceedings under the Student Code shall be confidential to the extent permitted by law. Records of professional misconduct shall be kept in the Registrar's Office, and a copy may be maintained in other academic departments as appropriate.
- 6.16.15 The dismissed student's transcript will reflect his/her dismissal.

## 6.17 Professional Misconduct Sanctions

- 6.17.1 Any of the sanctions listed in Section 6.4 or Section 6.10 of this document may be imposed. In addition, the following sanctions may be issued:

- 6.17.1.1 Professional Conduct Suspension from a program or from the University.
- 6.17.1.2 Professional Conduct Dismissal from a program or from the University.
- 6.17.1.3 Professional Conduct Expulsion from a program or from the University.
  
- 6.17.2 Suspension, dismissal, or expulsion for professional misconduct will be reflected on the student's academic transcript.
  
- 6.17.3 Permanent records of Professional Conduct Dismissal or Expulsion from a program or the University shall be kept in the Registrar's Office.
  
- 6.17.4 Suspension from a program shall be for a minimum of one semester following the semester the student is found responsible for professional misconduct.
  
- 6.17.5 The Dean shall notify the student in writing of the suspension, dismissal, or expulsion; conditions for reinstatement; and of the obligation of the student to petition for reinstatement.
  
- 6.17.6 Dismissal should be reserved for only egregious offenses, and expulsion should be reserved for the most egregious offenses. There is no possibility of reinstatement to the University after expulsion.

## **6.18 Records of Proceedings**

- 6.18.1 No University employee shall provide information to a person or entity concerning a student without fully complying with The Family Educational Rights and Privacy Act (20 U.S.C.A. § 1232g) and the Government Records Access and Management Act (U.C.A. §63-2-101). In most circumstances, such as requests from a licensing body or an employer, information may only be provided with the prior written consent of the student. In some circumstances, however, such as requests from other institutions where the student seeks or intends to enroll, information may be provided without the consent of the student but only after notifying the student and following appropriate procedures outlined in the statutes.

- 6.18.2 Records of proceedings under the Student Code shall be confidential to the extent permitted by law. Records of academic misconduct shall be kept in the Registrar's Office, and copies may be retained in other academic departments and by the Dean of Students as appropriate.
- 6.18.3 Records regarding any instance of academic misconduct where sanctions are imposed will be included in a student's academic record (not the academic transcript) for the purpose of institutional record keeping.
- 6.18.4 The sanctions of academic conduct suspension or dismissal from the University may appear on the student's transcript; degree revocation will appear on the student's transcript.
- 6.18.5 Permanent records of dismissal from a program, dismissal from the University, and degree revocation shall be kept in the Registrar's Office.

#### 6.19 Other University Proceedings

- 6.19.1 If the filing of a complaint or an appeal relating to professional or academic misconduct under the Student Code raises other issues concerning behavioral or academic misconduct, the relevant Vice President(s) and/or the Dean of Students and the involved University administrator shall determine the appropriate procedure(s) for processing the complaint or the appeal.

### **VII. Addenda - N/A**

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Policy Owner: VP, Student Affairs

Policy Steward: Director, Student Involvement and Leadership

History:

Approved 1/29/99

Revised 2/1/02

Revised 5/2/03

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